

In the High Court of Punjab and Haryana at Chandigarh

CRM-M- 42430 of 2013

Date of Decision: 10.02.2015

Maninder Singh Cheema

---Petitioner

versus

Adarsh Kumar Sharma

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Gautam Dutt, Advocate
for the petitioner
Mr. Vishal Munjal, Advocate
for the respondent

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J. (Oral)

Counsel for the parties are *ad idem* that the petition may be disposed of, order dated 24.12.2012 in regard to dismissal of the complaint qua the petitioner and Inderjit Singh (non-petitioner) may be set aside and the impugned order dated 03.10.2013 may be accordingly modified and the matter in regard to summoning of the petitioner and Inderjit Singh (non-petitioner) may be remitted to the trial Court for making further inquiry into the complaint.

In view of the above, without expressing any opinion on correctness and legality of order dated 03.10.2013, in view of consensus between counsel for the parties, the petition stands disposed of, the order dated 24.12.2012 (Annexure P4) passed by the Judicial Magistrate, Phagwara to the extent of non-summoning of the petitioner and Inderjit Singh (non-petitioner) is set aside and the order dated 03.10.2013 (Annexure P5) passed by the Additional Sessions Judge, Kapurthala is modified and accordingly, the matter with regard to dismissal of the complaint qua the petitioner and Inderjit Singh(non-petitioner) is remitted to the trial Court for consideration of the case afresh, in accordance with law.

(Rekha Mittal)
Judge

10.02.2015
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